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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Theofani Tsioris

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38051

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EXAMINER

KENNY, DANIEL J

ART UNIT

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3633

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/541,899	Applicant(s) TSIORIS, THEOFANI	
	Examiner DANIEL KENNY	Art Unit 3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 11-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3, and 11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groom (6,393,770) in view of Matsushita (JP 09-177261) and Langlie et al. (5,959,255).

Groom discloses a screen applied to overlay a gutter on an outside edge of a roof of a building said screen comprising:

Claim 1 - a panel of generally planar mesh affixed along one edge of the panel to the roof and along the opposite edge of the panel to the top outside edge of the gutter with the panel adapted to prevent the entry of leaves and other tree debris into the gutter while allowing water to flow through the holes in the mesh and into the gutter, the mesh being formed of molded plastics material.

Groom does not expressly disclose the panel having an electrically powered wire extending along the panel in the direction of said one edge of the panel and overlying the gutter in the direction of one edge of the panel wherein said wire is clipped into clips and the clips are retained on the mesh by being inserted into said holes.

Matsushita discloses a panel (9) having an electrically powered wire (15) extending along the panel in the direction of said one edge of the panel and overlying a gutter in the direction of one edge of the panel. Langlie et al. discloses a wire clipped

(at 26) into clips (20) and the clips are retained on a mesh (22) by being inserted into holes (Fig. 2). In other words, Matsushita teaches that it is old in the art to attach an electrical wire to a panel, and then position both above a gutter to help melt snow and ice; Langlie et al. simply teaches the claimed structure for attaching the wire to the panel.

It would have been obvious to one of ordinary skill in the art at the time the present invention was made to combine both the familiar electrically powered wire of Matsushita and the mesh-retained clip/clipped wire of Langlie et al. with the panel taught by Groom because it does no more than yield predictable result of positively securing a snow and ice melting wire to the panel.

Claim 2 – the mesh is formed of a plastic material (col. 4, line 58).

Claim 3 – is rejected under 35 U.S.C. 103(a) as being unpatentable over Groom in view of Matsushita and Langlie et al. and in further view of Taouil (4,769,526).

The Matsushita-taught heating strand wire is not expressly disclosed as having an electrically insulating coating. Taouil discloses a panel having wire with an electrically insulating coating (29). It would have been obvious to one of ordinary skill in the art at the time the present invention was made to combine the familiar insulated coating with the wire of Matsushita because it does no more than yield the predictable result of preventing electrocution.

Claim 19 - the mesh is affixed to the gutter by means of screws (col. 4, line 58) through the flat strip portion.

Claim 11 - the mesh comprises:

a top face and a bottom face on respective opposite sides of the mesh, a first array of parallel strands, hereinafter called longitudinal strands, aligned in the direction of said one edge of the panel, and a second array of parallel strands, hereinafter called lateral strands, integrally moulded with and aligned at right angles to the first array, said first and second arrays of strands defining mesh apertures therebetween extending from said top face to said bottom face, the thickness of the longitudinal strands extends for substantially the full thickness of the mesh from said top face to said bottom face, and the thickness of the lateral strands extends along their full length, from said top face to less than 80% of the thickness of the mesh.

Claim 12 - .the lateral strands spaced closer to each other than the longitudinal strands (col. 3, line 47).

Claim 13 - oval shape apertures with their longer axis parallel to the lateral strands (see Fig. 3).

Claim 14 - a flat strip portion lying along said opposite edge of the panel and parallel to the longitudinal strands, said strip portion being substantially flat on its top

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face which blends gently with said top face of the remainder of the mesh (col. 3, lines 42-45).

Claim 15 - the lateral strands made from a stiffer material than that from which the longitudinal strands are made (col. 6, lines 4-9).

Claim 16 - the lateral strands formed from a material having a greater elastic resilience than the material from which the longitudinal strands are made (col. 3, line 8).

Claim 17- the lateral strands are high density polyethylene and the longitudinal strands are a mixture of low density polyethylene and high density polyethylene and the mesh is formed using a plastics co-extrusion process (col. 3, lines 10-15).

Claim 18 - The screen according to claim 14 wherein the mesh is affixed to the gutter by means of mating strips of a textile hook and loop fastening system adhered to said flat strip portion and to said top outside edge of the gutter (col. 6, line 48).

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **DANIEL KENNY** whose telephone number is (571)272-9951. The examiner can normally be reached on Monday thru Friday, 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeanette E Chapman/
Primary Examiner, Art Unit 3633

/D. K./
Examiner, Art Unit 3633